



THE CITY OF NEW YORK
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November 10, 2023

VIA ECF

Honorable Valerie Figueredo
United States Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Andre Jamel Davis v. Sgt. Horton, et al.
23 Civ. 00885 (JPC) (VF)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendants New York City Police Department (“NYPD”) Sergeant Horton, NYPD Police Officer (“PO”) Gonzalez, NYPD PO Calle Jean, and NYPD PO Sedita (hereinafter “defendants”) in the above referenced matter.¹ Defendants write to respectfully request: (1) for defendant Sedita, a thirty-day (30) extension of time from November 13, 2023 to December 13, 2023, to answer or otherwise respond to the operative complaint in this matter; and (2) that the Court *sua sponte* afford defendants Horton, Gonzalez, and Calle a corresponding extension of time to respond to the complaint, assuming they are properly served with the operative complaint. This is defendants’ first request of this kind. Defendants contacted plaintiff for his position as to this request and plaintiff indicated that he believes all defendants are informed of the complaint and can respond.

On September 8, 2023, plaintiff filed an Amended Complaint at Docket Entry No. 51. See Docket Entry No. 51. Subsequently, on October 10, 2023, plaintiff filed a Second Amended Complaint at Docket Entry No. 57 naming the individual defendants Horton, Gonzalez,

¹ This case has been assigned to Assistant Corporation Counsel Esther Kim, who is awaiting admission to the Southern District of New York. Ms. Kim is handling this matter under my supervision and may be reached at (212) 356-2340 or eunkim@law.nyc.gov.

Calle Jean, and Sedita. See Docket Entry No. 57. At this time and upon information and belief, the only individual defendant who has been properly served with Docket Entry No. 57 is defendant Sedita and therefore, his answer is currently due November 13, 2023. With respect to the remaining defendant officers, this Office is still investigating whether they have been properly served with the operative Second Amended Complaint filed at Docket Entry No. 57, as there is no proof of service filed which indicates No. 57 at all. Specifically, the purported proof of service filed on October 10, 2023, lists “DOCKET # 51” which is the Amended Complaint, rather than the Second Amended Complaint. See Docket Entry. No. 56.

Accordingly, defendants write to respectfully request: (1) for defendant Sedita, a thirty-day (30) extension of time from November 13, 2023 to December 13, 2023, to answer or otherwise respond to the operative complaint in this matter; and (2) that the Court *sua sponte* afford defendants Horton, Gonzalez, and Calle a corresponding extension of time to respond to the complaint, assuming they are properly served with the operative complaint.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Alexandra Corsi

Alexandra Corsi

Senior Counsel

Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**

Andre Jamel Davis

Plaintiff pro se

5951 Riverdale Avenue

#454

Bronx, New York 10471

Application Granted

A handwritten signature in black ink, appearing to read 'Valerie Figueredo', is written over a horizontal line.

Valerie Figueredo, U.S.M.J.

DATED: November 13, 2023

Defendants Sedita, Horton, Gonzalez, and Calle have until **December 13, 2023**, to respond to Plaintiff's complaint. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 58.